



**U.S. Department of Commerce**  
National Oceanic and Atmospheric Administration



**U.S. Environmental Protection Agency**

Mr. Dick Pederson, Director  
Oregon Department of Environmental Quality  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204-1390

Mr. Jim Rue, Director  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540

Dear Mr. Pederson and Mr. Rue,

This letter is to inform you that the Environmental Protection Agency and National Oceanic and Atmospheric Administration (collectively, the federal agencies) have postponed the deadline for making a final determination on Oregon's coastal nonpoint pollution control program to January 30, 2015. The federal agencies will base the upcoming decision on the materials provided during the recent public comment period, and the agencies will begin withholding grant funds for fiscal year 2015 if the agencies make a final determination that Oregon has failed to submit an approvable program.

As you are aware, on December 20, 2013, the agencies provided public notice and an opportunity for comment on the agencies' proposed determination that Oregon had failed to submit an approvable Coastal Nonpoint Pollution Control Program (Coastal Nonpoint Program) as required by Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), 16 U.S.C. 1455b. By the end of the comment period on March 20, 2014, we had received 85 comments with over 800 supporting documents. As a result, the agencies were unable to prepare the administrative to reach and make a final determination by May 15, 2014 as anticipated and announced at the time of proposal.

Working with Oregon to achieve full approval of its Coastal Nonpoint Program is a priority for both federal agencies and we will continue to work closely with Oregon in support of that effort...

Sincerely,

Margaret Davidson, Acting Director  
Office of Ocean and Coastal Resource

Daniel D. Opalski, Director  
Office of Water and Watersheds

Management  
National Oceanic and Atmospheric  
Administration

Environmental Protection Agency,  
Region 10

cc: Mr. Kristofor R. Swanson, U.S. Department of Justice  
Ms. Karen Tarnow, ODEQ  
Mr. Eugene Foster, Watershed Management Manager, ODEQ  
Mr. Greg Aldrich, Acting Administrator, ODEQ  
Ms. Patty Snow, Coastal Management Program Manager, ODLCD  
Mr. Bill Blosser, Chair, OEQC  
Ms. Nina Bell, Northwest Environmental Advocates  
Mr. Paul Kampmeier from Washington Forest Law Center  
Ms. Allison LaPlante from Earthrise Law Center



U.S. Department of Commerce  
National Oceanic and Atmospheric Administration



U.S. Environmental Protection Agency

Mr. Dick Pederson, Director  
Oregon Department of Environmental Quality  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204-1390

**Comment [CJ1]:** Is he the appropriate person.  
This is who signed the July 1, 2013 letter.

Mr. Jim Rue, Director  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540

**Comment [CJ2]:** Is he the appropriate person.  
This is who signed the July 1, 2013 letter.

Dear Mr. Pederson and Mr. Rue,

This letter is to inform you that the Environmental Protection Agency and National Oceanic and Atmospheric Administration (collectively, the federal agencies) have postponed the deadline for making a final ~~decision~~determination on Oregon's coastal nonpoint pollution control program to January 30, 2015. The federal agencies will base the upcoming decision will be based on the materials provided during the recent public comment period, and the agencies will begin withholding grant funds for fiscal year 2015 if the agencies ~~find~~make a final determination that Oregon has failed to submit an approvable program.

~~Under the settlement agreement Northwest Environmental Advocates v. Locke, et al, the agencies agreed to announce in the Federal Register our intent to fully approve or disapprove Oregon's Coastal Nonpoint Program by November 15, 2013 and make the final decision by May 15, 2014. As you are aware, on December 20, 2013, the agencies provided requested public notice and an opportunity for comment on the agencies' proposed determination that the State of Oregon had failed to submit an approvable Coastal Nonpoint Pollution Control Program (Coastal Nonpoint Program) as required by Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), 16 U.S.C. 1455b. By the end of the comment period on March 20, 2014, we had received around 85 comments with over 800 supporting documents. As a result, the agencies were unable to prepare the administrative to reach and make a final decision~~determination by May 15, 2014 as anticipated and announced at the time of proposal.

**Comment [CJ3]:** Do we want to include information about our negotiations with NWEA's attorneys and reference DOJ's June 4 letter or NWEA's attorneys' response of June 12? My gut feeling is no. What do you think?

**Comment [SJS4]:** No. I don't think we need to highlight the settlement agreement at all.

**Comment [CJ5]:** Do you think we should explicitly state when we began the public notice process since we missed that deadline as well?

Working with Oregon to achieve full approval of its Coastal Nonpoint Program is a priority for both federal agencies and we will continue to work closely with Oregon in support of that effort. ~~to enable the State to submit an approvable CNPCP.~~

**Comment [CJ6]:** Is this the best way to end this letter? Ideas?

Sincerely,

Margaret Davidson, Acting Director  
Office of Ocean and Coastal Resource  
Management  
National Oceanic and Atmospheric  
Administration

Daniel D. Opalski, Director  
Office of Water and Watersheds  
Environmental Protection Agency,  
Region 10

cc: [Mr. Kristofor R. Swanson, U.S. Department of Justice]  
[Ms. Karen Tarnow, ODEQ]  
[Mr. Eugene Foster, Watershed Management Manager, ODEQ]  
[Mr. Greg Aldrich, Acting Administrator, ODEQ]  
[Ms. Patty Snow, Coastal Management Program Manager, ODLCD]  
[Mr. Bill Blosser, Chair, OEQC]  
[Ms. Nina Bell, Northwest Environmental Advocates]  
[Mr. Paul Kampmeier from Washington Forest Law Center]  
[Ms. Allison LaPlante from Earthrise Law Center]

**Comment [CJ7]:** Is he a cc or bcc?

**Comment [CJ8]:** Should he be included? He was included in the July 1, 2013 letter.

**Comment [CJ9]:** Should I include the attorneys or just send them a copy of the letter?